

REMARKS/ARGUMENTS

35 USC § 102

The Office rejected claims 1 – 8, 12, 13 and 15 under 35 U.S.C. 102 as being anticipated by Brown et al. (U.S. Patent 5,213,236). The Applicants respectfully disagree.

Claim 1 requires a shutoff valve upstream of the claimed diaphragm. Brown lacks disclosure of having a shutoff valve upstream of a diaphragm, and therefore does not anticipate claim 1. Claim 1 and its dependent claims (2 – 8, 12, 13, and 15) are allowable over Brown on the grounds that Brown fails to teach all the claimed elements of claim 1.

35 USC § 103

The Office rejected claims 1 – 6, 8 – 10, and 13 under 35 USC 103 as being obvious over Derving (U.S. Patent 4,877,160) in view of Brown et al. (U.S. Patent 5,213,236). The Applicants respectfully disagree especially in view of the amendments entered herein. Amended claim 1 requires that the diaphragm opening comprises “multiple overlapping leaves” (see paragraph [0039] of the instant application). Neither Derving, nor Brown, alone or combined teach multiple overlapping leaves that facilitated closure of a lumen. Claim 1 is allowable over Derving and Brown on the grounds that they both fail to teach, suggest, or motivate having overlapping leaves. Claims 2 – 6, 8 – 10, and 13 are allowable by virtue of their dependence on claim 1.

35 USC § 103

The Office rejected claims 1 – 6, 8 – 10, and 13 under 35 USC 103 as being obvious over Brown et al. (U.S. Patent 5,213,236). The Applicants respectfully disagree especially in view of the amendments entered herein. Amended Claim 16 also requires that the diaphragm having a fluid passageway with “multiple overlapping leaves”. Again, Brown lacks any disclosure directed toward overlapping leaves. Claim 16 is allowable over Brown, as are claim 16’s dependent claims 17 – 22, on the grounds that Brown fails to teach overlapping leaves.

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Request For Allowance

Claims 1-10, 12-13 and 15-22 are pending in this application. Claims 11 and 14 are canceled. The applicant requests allowance of all pending claims.

Respectfully submitted,
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